The Kayan was alleged to be adulterated in that it fell below the professed standard and quality under which it was sold in that it was represented in the labeling to be "A granulated powder from the sap of an Asiatic tree—Kayan"; whereas it consisted essentially of a synthetic coal-tar cathartic, namely, phenolphthalein, a gum, sugar, and starch.

The information also contained two counts charging that the Seedol Kelpamalt and the Kayan were misbranded because of alleged false and fraudulent curative and therapeutic representations made for them in the literature contained in the "deal" described hereinbefore. On July 18, 1939, the defendants filed a demurrer to these two counts, which was sustained by the court without opinion, the date of ruling being August 14, 1939.

On September 25, 1939, the defendants entered pleas of guilty to the counts charging misbranding of Agalax and the count charging adulteration of Kayan, and the court imposed the following fines: Associated Laboratories, Inc., $300; Louis A. Tuvin, $300; Julius H. Tuvin, $75; and John M. Bair, $75.

GROVER B. HILL, *Acting Secretary of Agriculture.*

30961. Misbranding of Harris Blu-Rib-Un Spray. U. S. v. 19 5-Gallon Cans of Harris Blu-Rib-Un Spray. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 45465. Sample No. 30768–D.)

Examination of samples of this veterinary product showed that it consisted of mineral oil of the nature of kerosene and nitrobenzene. Its labeling bore false and fraudulent curative and therapeutic claims.

On June 9, 1939, the United States attorney for the District of New Mexico, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 19 5-gallon cans of Harris Blu-Rib-Un Spray at Chama, N. Mex.; alleging that the article had been shipped on or about June 2, 1938, by the R. L. Harris Co. from Omaha, Nebr.; and charging misbranding in violation of the Food and Drugs Act as amended.

The article was alleged to be misbranded in that the following statements regarding its curative or therapeutic effects, appearing in the labeling, were false and fraudulent: "For throat infection in poultry, * * * As a preventive spray twice a week. The above treatment is also valuable as an aid in combating colds and roup. * * * Flu. Blu-Rib-Un Spray will also be found to be a valuable aid in combating Flu in hogs. * * * Use a lot of pressure and shoot the spray over the hogs so that they will be compelled to inhale the vapor. * * * If the above directions are carefully followed as a means to combat Flu in hogs, very good results will be obtained. * * * Flu in hogs causes very big losses to the hog raiser by the loss of weight, death rate, and the herd going off the feed, and the above treatment with Blu-Rib-Un Spray will be found very beneficial in helping the farmer cut down his losses. * * * as an insecticide and healing agent on cuts and infection on the lips and mouth of little pigs. * * * For ring worms and scabs on calves * * * As A Healer. For collar sores, gall spots and any wounds such as wire cuts, etc., Blu-Rib-Un Spray will be found very effective and a great aid as a healing agency. * * * provides a 100% disinfectant for the cuts from the shearing."

The article was also alleged to be misbranded under the Insecticide Act of 1910, as reported in notice of judgment No. 1722, published under that act.

On November 10, 1939, no claimant having appeared, a decree of condemnation, forfeiture, and destruction was entered.

GROVER B. HILL, *Acting Secretary of Agriculture.*

30962. Adulteration and misbranding of prophylactics. U. S. v. 39¼ Gross of Prophylactics. Default decree of condemnation and destruction. (F. & D. No. 45298. Sample No. 47455–D.)

Samples of this product were found to be defective in that they contained holes.

On May 10, 1939, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the district court a libel against 39¼ gross of prophylactics at Baltimore, Md.; alleging that the article had been shipped in interstate commerce on or about January 4, 1939, by Goodwear Rubber Co., Inc., from New York, N. Y.; and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part "Gold Ray."

Adulteration was alleged in that the strength of the article fell below the professed standard or quality under which it was sold.

Misbranding was alleged in that the following statements in the labeling were false and misleading: (Gross carton) "The Finest Latex Prophylactic * * * Disease Preventative * * * Air Tested"; (3-unit carton) "Disease Preventative * * * Tested * * * Guaranteed Five Years"; (1-dozen carton) "Disease Preventative * * * Sold for Prevention of Disease"; (leaflet) "The United States Department of Agriculture, Food and Drug Administration, has notified all manufacturers of Prophylactic Rubber Goods that this merchandise is sold for prevention of disease and therefore comes under their jurisdiction. We guarantee that this merchandise will stand any reasonable test demanded by the Government in accordance with the Pure Food and Drug Laws. Guarantee * * * We guarantee this merchandise to be as good and as safe as any brand on the market today."

On June 8, 1939, no claimant having appeared, judgment of condemnation and destruction was entered and the product was ordered destroyed.

GROVER B. HILL, *Acting Secretary of Agriculture.*

30963. Adulteration and misbranding of Pinip (liquid) and misbranding of Pinip Laxative Cold Capsules. U. S. v. David M. Leff (Merit Laboratories Co.). Plea of nolo contendere. Fine, $25. (F. & D. No. 42718. Sample Nos. 41951–D, 41952–D, 41978–D.)

Both shipments of the Pinip Cold Capsules contained acetophenetidin, a derivative of acetanilid, the presence of which was not declared. One shipment contained acetanilid in excess of the amount declared and its labeling bore false and fraudulent curative and therapeutic claims. The Pinip (liquid) contained materially less vitamin D than the amount declared on its label.

On July 19, 1939, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court an information against David M. Leff, trading as the Merit Laboratories Co., Philadelphia, Pa., alleging shipment by said defendant in violation of the Food and Drugs Act, on or about September 16, 1938, from the State of Pennsylvania into the State of New Jersey, of a quantity of Pinip (liquid) which was adulterated and misbranded and of quantities of Pinip Laxative Cold Capsules which were misbranded.

Analysis of a sample taken from one of the shipments of Pinip Laxative Cold Capsules showed that each capsule contained a minimum of 3.03 grains of acetophenetidin, a minimum of 1.30 grains of acetanilid, and approximately 20 units of vitamin C. The product in this shipment was alleged to be misbranded in that it contained approximately 3 grains of acetophenetidin, a derivative of acetanilid, per capsule and the label did not bear a statement of the quantity or proportion of acetophenetidin contained therein. It was alleged to be misbranded further in that the statement on the label, "Each capsule contains 1 grain Acetanilid" was false and misleading since each of said capsules contained more than 1 grain of acetanilid, namely, not less than 1.3 grains. It was alleged to be misbranded further in that certain statements in the labeling regarding its curative and therapeutic effects falsely and fraudulently represented that it was effective for the purpose of lessening the acidity of the body and facilitating the absorption of the active vitamin principles of citrus fruits and effective to enable the patient to derive the benefits of the vitamin principle of citrus fruits.

The Laxative Cold Capsules in the remaining shipment were alleged to be misbranded in that each capsule contained approximately 2 grains of acetophenetidin, a derivative of acetanilid, and the package containing them did not bear a statement on its label of the quantity or proportion of acetophenetidin contained therein.

The Pinip Liquid was alleged to be adulterated in that its strength fell below the professed standard or quality under which it was sold in that it was labeled (bottle) "Fortified With 1000 Units Vitamin D"; whereas the contents of the said bottle contained less than 1,000 units of vitamin D, namely, approximately 250 U. S. P. units of vitamin D.

It was alleged to be misbranded in that the statement "Fortified With 1000 Units Vitamin D," borne on the bottle label, was false and misleading since the contents of each of said bottles did not contain 1,000 units of vitamin D.

On October 13, 1939, the defendant entered a plea of nolo contendere and the court imposed a fine of $25.

GROVER B. HILL, *Acting Secretary of Agriculture.*